

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09cv373**

WILLIAM NORKUNAS,

Plaintiff,

Vs.

**BELK, INC., a Foreign
Corporation,**

Defendant.

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ORDER

THIS MATTER is before the court on Sabrina Winters's Motion for Admission *Pro Hac Vice* of Pete M. Monismith. It appearing that Pete M. Monismith is a member in good standing with the Pennsylvania Bar and will be appearing with Sabrina Winters, who is a member in good standing with the Bar of this court, that all admission fees have been paid, and that the email address of the attorney seeking admission has been provided, the court will allow the request.

Review of the court's docket reveals, however, that Mr. Monismith had recently been similarly admitted in the Statesville Division of this court in Norkunas v. Shah, Parikh & Associates, 5:09cv108 (WDNC 2009) an now by the undersigned in Norkunas v. V & S Hospitality, 1:09cv372 (WDNC 2009).¹ The court is troubled

¹ It appears from a review of the complaints in all three actions that plaintiff herein is an ADA tester, which explains the filing of separate but unrelated actions under the ADA.

that such prior application was not disclosed; however, the close temporal proximity of the first two applications to the application filed herein may well explain such lack of disclosure.

While Mr. Monismith will again be welcome to practice in this case, he is advised that it is the policy of the district court that attorneys will not be serially admitted to practice *pro hac vice* and that attorneys who regularly practice before the Bar of this court will need both a North Carolina State Bar license as well as regular admission to the Bar of this court. The court will make an exception for such third admission based Mr. Monismith's educational background, his commitment to public service, and his service to the United States of America.²

Mr. Monismith is respectfully advised that this will be the last such admission, and that any further admission will require a North Carolina license and admission to the Bar of this court or **a showing that this particular type of ADA action is so specialized or addresses such a particular public concern that attorneys working in this area of the law are not readily available in the Western District of North Carolina.** Any such further application in this district should be accompanied by an affidavit from Mr. Monismith detailing such reasons.

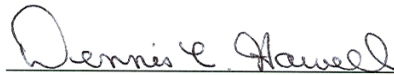
²

See www.elliott-davis.com/pete-monismith.aspx.

ORDER

IT IS, THEREFORE, ORDERED that Sabrina Winters's Motion for Admission *Pro Hac Vice* (#2) of Pete M. Monismith is **GRANTED**, and Pete M. Monismith is **ADMITTED** to practice, *pro hac vice*, before the Bar of this court in this case while associated with Sabrina Winters.

Signed: October 2, 2009



Dennis L. Howell
United States Magistrate Judge

